

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OHIO

EASTERN DIVISION

-----) MDL No. 2804

IN RE: NATIONAL PRESCRIPTION )

OPIATE LITIGATION )

-----) Case No. 17-md-2804

THIS DOCUMENT RELATES TO: )

ALL CASES )

-----) Hon. Dan A. Polster

HIGHLY CONFIDENTIAL

SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

VIDEOTAPED DEPOSITION OF

DEBORAH BISH

February 1, 2019

Toledo, Ohio

**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**





**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**





<p style="text-align: right;">Page 62</p> <p>1 THE WITNESS: Oh, okay.</p> <p>2 BY THE WITNESS:</p> <p>3 A. Well, I think they are kind of the same</p> <p>4 thing. Did they get the information from that report?</p> <p>5 I don't know where they got their information. It</p> <p>6 could have come off a computer screen, it could have</p> <p>7 come off of a report. I don't know. But if they had</p> <p>8 a query that showed them that there was too much</p> <p>9 ordered, they would call the pharmacy manager. And if</p> <p>10 they couldn't get ahold of him, they would call me at</p> <p>11 home and I would just tell them put it on my desk</p> <p>12 until I looked at it in the morning, called the</p> <p>13 pharmacy manager. But whether -- where that</p> <p>14 information came from, was it a printed report, was it</p> <p>15 a disk, was it a -- I don't know.</p> <p>16 BY MR. GADDY:</p> <p>17 Q. Okay. And the purpose of that was to make</p> <p>18 sure that somebody hadn't entered the number of pills</p> <p>19 they wanted instead of the number of bottles?</p> <p>20 MS. SWIFT: Object to form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. Well, the purpose of that was to make sure</p> <p>23 that what they wanted -- what they ordered was what</p> <p>24 they intended to order and to make sure they really</p>	<p style="text-align: right;">Page 64</p> <p>1 ever contacting you after reviewing the suspicious</p> <p>2 order report and giving you any updates or information</p> <p>3 at all?</p> <p>4 MS. SWIFT: Objection; asked and answered.</p> <p>5 BY THE WITNESS:</p> <p>6 A. No.</p> <p>7 BY MR. GADDY:</p> <p>8 Q. What is your understanding of what a</p> <p>9 suspicious order is?</p> <p>10 A. An order that would be suspicious because</p> <p>11 it's quantities that would be above the average</p> <p>12 quantity ordered or the expected quantity ordered.</p> <p>13 Q. How do you have that understanding?</p> <p>14 A. Just by knowing what suspicious means, I</p> <p>15 mean.</p> <p>16 Q. Just the common definition of the term</p> <p>17 "suspicious"?</p> <p>18 A. Yeah.</p> <p>19 Q. Do you recall ever being provided any</p> <p>20 training or education by -- by Walgreens or attending</p> <p>21 any -- any DEA seminars about the -- the obligations</p> <p>22 related to suspicious order monitoring?</p> <p>23 A. No.</p> <p>24 MS. SWIFT: Object to the form.</p>
<p style="text-align: right;">Page 63</p> <p>1 needed it.</p> <p>2 BY MR. GADDY:</p> <p>3 Q. You were -- you were making sure they</p> <p>4 hadn't entered an order by mistake?</p> <p>5 MS. SWIFT: Object to the form.</p> <p>6 BY THE WITNESS:</p> <p>7 A. Well, not only that, but, yeah, that was</p> <p>8 the case sometimes. Some -- sometimes they would</p> <p>9 enter 11 instead of 1 or whatever. But, yeah, and</p> <p>10 sometimes they actually needed a larger than normal</p> <p>11 quantity, and I would ask them why and they would tell</p> <p>12 me why. And, you know, sometimes I would call Barb</p> <p>13 Martin who was our pharmacy inventory person who had</p> <p>14 all of the -- you know, the history of their sales,</p> <p>15 and say, Does this sound right to you? And she would</p> <p>16 say, Yeah, and then I would go ahead and dispense it.</p> <p>17 There was only one time that I recall ever calling a</p> <p>18 store that they said, Yeah, I really do want that, and</p> <p>19 then they told me why, so.</p> <p>20 Q. Okay. Let me go back to where I started</p> <p>21 with this.</p> <p>22 As far as that suspicious order report,</p> <p>23 are you aware of anybody, whether it's the SAIL</p> <p>24 coordinator, the computer room, corporate, anybody</p>	<p style="text-align: right;">Page 65</p> <p>1 BY MR. GADDY:</p> <p>2 Q. Have you ever been -- ever attended any</p> <p>3 DEA presentations in any form or fashion?</p> <p>4 A. No.</p> <p>5 Q. Walgreens has never sent you to hear --</p> <p>6 hear from DEA agents talk about diversion of</p> <p>7 controlled substances or -- or the duties or</p> <p>8 obligations under the regulations?</p> <p>9 A. No.</p> <p>10 Q. I'll show you what I'll mark as Exhibit</p> <p>11 No. 5. This is P-GEN 10.</p> <p>12 (WHEREUPON, a certain document was</p> <p>13 marked Walgreens - Bish Deposition</p> <p>14 Exhibit No. 5, for identification, as</p> <p>15 of 02/01/2019.)</p> <p>16 BY MR. GADDY:</p> <p>17 Q. And this is -- if you look at the top of</p> <p>18 the page, this is a printout from a -- from the DEA</p> <p>19 website.</p> <p>20 A. Uh-huh.</p> <p>21 Q. And this is one particular regulation that</p> <p>22 I'm just going to ask you if you've seen or if you are</p> <p>23 familiar with.</p> <p>24 Do you see about a third of the way down</p>

<p style="text-align: right;">Page 66</p> <p>1 the page, it's a little bit faded, but it says</p> <p>2 Title 21 Code of Federal Regulations? It is just</p> <p>3 under the heading at the top. I'm sorry.</p> <p>4 A. Oh, up here.</p> <p>5 Q. Under the picture.</p> <p>6 A. Oh, okay. Yeah.</p> <p>7 Q. And then below that it says "Part 1301"</p> <p>8 and below that it says "Security Requirements" and</p> <p>9 then it has the regulation 1301.74.</p> <p>10 Do you see that?</p> <p>11 A. Um-hum.</p> <p>12 Q. Okay.</p> <p>13 During the course of your time as the C-II</p> <p>14 function manager, did you ever have the opportunity to</p> <p>15 review any of the federal regulations related to the</p> <p>16 distribution of controlled substances?</p> <p>17 A. I don't recall.</p> <p>18 Q. Do you recall anybody at Walgreens</p> <p>19 corporate or otherwise ever -- ever giving you these</p> <p>20 regulations or giving you any training on these</p> <p>21 regulations?</p> <p>22 A. I don't recall that either.</p> <p>23 Q. Okay. If you go down to paragraph (b), it</p> <p>24 starts: "The registrant shall".</p>	<p style="text-align: right;">Page 68</p> <p>1 BY MR. GADDY:</p> <p>2 Q. Okay.</p> <p>3 A. I thought that because that's what I was</p> <p>4 told.</p> <p>5 Q. Okay. Who were you told that by?</p> <p>6 A. One of the programmers for C-II, Ann</p> <p>7 Anaya, who I don't think is with the company any</p> <p>8 longer, but...</p> <p>9 Q. Okay. Did she work at Perrysburg or</p> <p>10 somewhere else?</p> <p>11 A. At corporate.</p> <p>12 Q. Okay. In what department?</p> <p>13 A. The -- she was part of the programming</p> <p>14 department. I don't know what they called it. IT,</p> <p>15 yeah.</p> <p>16 Q. And what did she tell you about that</p> <p>17 program?</p> <p>18 A. She -- she didn't give me the details.</p> <p>19 She just said there is a program that -- that will</p> <p>20 keep -- will bounce out orders that are above what</p> <p>21 they should be for their history, for their, you know,</p> <p>22 history at that particular store. So if they normally</p> <p>23 do a hundred of something and we get an order for 200</p> <p>24 of something, that's going to throw that out and send</p>
<p style="text-align: right;">Page 67</p> <p>1 A. Um-hum.</p> <p>2 Q. Do you see where I am?</p> <p>3 A. Um-hum.</p> <p>4 Q. And it says:</p> <p>5 "The registrant shall design and operate a</p> <p>6 system to disclose to the registrant suspicious orders</p> <p>7 of controlled substances."</p> <p>8 Do you see that?</p> <p>9 A. Um-hum.</p> <p>10 Q. Did you know that that was an obligation</p> <p>11 that Walgreens had under the federal regulations?</p> <p>12 MS. SWIFT: Object to the form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. I thought we did have a computer program</p> <p>15 that did that. So this -- you know what I mean,</p> <p>16 before the orders ever dropped, I thought we had a</p> <p>17 program that ferreted those out.</p> <p>18 BY MR. GADDY:</p> <p>19 Q. And you thought that based on seeing the</p> <p>20 suspicious order report in the distribution center</p> <p>21 from time to time?</p> <p>22 MS. SWIFT: Object to the form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 69</p> <p>1 it back.</p> <p>2 Q. Okay. Did -- did she show you the policy</p> <p>3 or the procedure for how that worked?</p> <p>4 A. No.</p> <p>5 Q. Do you know the timeframe in which she</p> <p>6 told you that was happening?</p> <p>7 A. No, I have no idea.</p> <p>8 Q. Did she talk to you at all about how that</p> <p>9 program changed over time or when that program was</p> <p>10 initiated?</p> <p>11 A. No.</p> <p>12 Q. Okay. The paragraph (b) contin --</p> <p>13 continues on to say:</p> <p>14 "The registrant shall inform the Field</p> <p>15 Division Office of the Administration in his area of</p> <p>16 suspicious orders when discovered by the registrant."</p> <p>17 Do you see that?</p> <p>18 A. Um-hum.</p> <p>19 Q. Did -- at any time while you were the C-II</p> <p>20 function manager, did you ever contact the DEA</p> <p>21 regarding an order of controlled substances that you</p> <p>22 received?</p> <p>23 A. No.</p> <p>24 Q. Would that have been something that ever</p>

<p style="text-align: right;">Page 70</p> <p>1 would have occurred to you to do?</p> <p>2 MS. SWIFT: Object to the form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. Probably not because we didn't fill the</p> <p>5 orders that were odd or large. You know, when I</p> <p>6 called the store, like I said, there was only one case</p> <p>7 that I remember that they actually said, Yes, I really</p> <p>8 want 80 of those or whatever. So, no, there was -- I</p> <p>9 wouldn't have thought of calling them.</p> <p>10 BY MR. GADDY:</p> <p>11 Q. Okay. Well, when you say "orders that</p> <p>12 were odd or large," I mean, you -- you shipped to -- I</p> <p>13 think we just saw over 5,000 different stores,</p> <p>14 correct?</p> <p>15 A. Um-hum, um-hum.</p> <p>16 Q. And I'm sorry. You have to say yes or no</p> <p>17 for her.</p> <p>18 A. Oh, yes. Sorry.</p> <p>19 Q. And is it fair to say that -- that those</p> <p>20 stores are in all different types of markets?</p> <p>21 A. Right, that's fair to say, yeah.</p> <p>22 Q. For example, there is a Walgreens in</p> <p>23 Perrysburg, is -- is there?</p> <p>24 A. Yes, um-hum.</p>	<p style="text-align: right;">Page 72</p> <p>1 received?</p> <p>2 A. No.</p> <p>3 Q. So when you say you didn't fill the orders</p> <p>4 that were odd, that would mean the orders that jumped</p> <p>5 off the page as being very large and would require a</p> <p>6 follow-up phone call to the store to make sure that</p> <p>7 they didn't make an error when they were typing in</p> <p>8 their order?</p> <p>9 MS. SWIFT: Object to the form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. Well, to make sure that they didn't make</p> <p>12 an error or that they didn't really need it. But,</p> <p>13 like I said, again, there was only one case where I</p> <p>14 recall them actually saying, Yes, that's what I need.</p> <p>15 BY MR. GADDY:</p> <p>16 Q. Okay. Usually it was, Oh, shoot. I meant</p> <p>17 3 and I typed 300?</p> <p>18 A. Usually, yeah.</p> <p>19 Q. And in those cases you would just delete</p> <p>20 the 300 and put in a 3?</p> <p>21 A. Right.</p> <p>22 Q. It goes on to say in paragraph (b), it</p> <p>23 says:</p> <p>24 "Suspicious orders include orders of</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. Okay. There is Walgreens in Cleveland,</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. Chicago?</p> <p>5 A. Yep.</p> <p>6 Q. So there is Walgreens in -- in big cities,</p> <p>7 Walgreens in small towns, correct?</p> <p>8 A. Right, yes.</p> <p>9 Q. When you were looking at these orders, did</p> <p>10 you do any evaluation of the population size that --</p> <p>11 that these stores were serving?</p> <p>12 A. No.</p> <p>13 Q. Did you do any evaluation of how far the</p> <p>14 patients were traveling to get to those stores to have</p> <p>15 their prescriptions filled?</p> <p>16 A. No.</p> <p>17 Q. Did you do any evaluation of the numbers</p> <p>18 and types of doctors that were writing the</p> <p>19 prescriptions for these C-II drugs?</p> <p>20 A. No.</p> <p>21 Q. Okay.</p> <p>22 Every time that an order came in, did</p> <p>23 you -- did you do an historical analysis on that</p> <p>24 particular store for every single order that you</p>	<p style="text-align: right;">Page 73</p> <p>1 unusual size, orders deviating substantially from a</p> <p>2 normal pattern, and orders of unusual frequency."</p> <p>3 Do you see that?</p> <p>4 A. Um-hum.</p> <p>5 Q. Prior to just now, right here today in</p> <p>6 this deposition, had you ever read that subsection of</p> <p>7 this regulation before?</p> <p>8 A. I don't remember. I don't remember if I</p> <p>9 did or not.</p> <p>10 Q. Okay. Do you recall anybody at Walgreens</p> <p>11 ever giving you any training regarding this topic?</p> <p>12 A. Regarding orders deviating substantially</p> <p>13 all -- from a normal pattern, that -- no, because,</p> <p>14 again, that's something that I thought was done at</p> <p>15 corporate. They have all of the sales history. In</p> <p>16 the DCs we don't have that.</p> <p>17 Q. Okay. But you were the C-II function</p> <p>18 manager at Perrysburg, correct?</p> <p>19 A. Yep, yep.</p> <p>20 Q. Okay. And you were the person, I think,</p> <p>21 that Mr. Joseph said that your knowledge of C-IIs was</p> <p>22 second to none, correct?</p> <p>23 A. Um-hum, yes.</p> <p>24 Q. Okay. Let me show you another policy that</p>

<p style="text-align: right;">Page 74</p> <p>1 would have been in place when you started at the</p> <p>2 Perrysburg distribution center.</p> <p>3 I'll mark this as Exhibit No. 6.</p> <p>4 (WHEREUPON, a certain document was</p> <p>5 marked Walgreens - Bish Deposition</p> <p>6 Exhibit No. 6, for identification, as</p> <p>7 of 02/01/2019.)</p> <p>8 BY MR. GADDY:</p> <p>9 Q. Do you see the -- look at the bottom of</p> <p>10 the page. Do you see the -- the web address for kind</p> <p>11 of the -- the Walgreens Intranet?</p> <p>12 A. This one down here?</p> <p>13 Q. Yes, ma'am.</p> <p>14 A. Yeah, um-hum, yes.</p> <p>15 Q. Okay. And then it -- the top of the</p> <p>16 page it's the -- one of the policies that was housed</p> <p>17 there, "Handling Suspicious Drug Orders."</p> <p>18 Do you see that?</p> <p>19 A. Yes, yes.</p> <p>20 Q. And if you look at just below the</p> <p>21 paragraphs, it has the original date of the policy of</p> <p>22 September of '98.</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 76</p> <p>1 "The distribution center must file all</p> <p>2 records for five years."</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. The policy, you would agree with</p> <p>6 me, doesn't say that anything should be done with</p> <p>7 those reports other than file them?</p> <p>8 A. That's the only action I see, yes.</p> <p>9 Q. Okay. And you are not aware of anybody at</p> <p>10 the distribution center doing any other action other</p> <p>11 than just filing them, is that fair?</p> <p>12 A. With this report, yes, if that's what you</p> <p>13 are referring to.</p> <p>14 Q. Okay.</p> <p>15 Let me ask you some questions now about</p> <p>16 the process that you've told us a little bit about as</p> <p>17 far as spot-checking of -- of some of the orders that</p> <p>18 came in.</p> <p>19 I'll show you what I'll mark as Exhibit</p> <p>20 No. 7.</p> <p>21 (WHEREUPON, a certain document was</p> <p>22 marked Walgreens - Bish Deposition</p> <p>23 Exhibit No. 7, for identification, as</p> <p>24 of 02/01/2019.)</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. And then the revised date of February 15,</p> <p>2 2005?</p> <p>3 A. Right.</p> <p>4 Q. Okay. And it says -- for the policy, it</p> <p>5 says:</p> <p>6 "The Logistics and Planning Department</p> <p>7 sends the suspicious control drug order reports" --</p> <p>8 excuse me -- "suspicious control drug orders report to</p> <p>9 all distribution centers."</p> <p>10 Do you see that?</p> <p>11 A. Um-hum.</p> <p>12 Q. And that's consistent with what you said</p> <p>13 that they would come in and -- and I think that the</p> <p>14 SAIL coordinator was in charge of that, right?</p> <p>15 A. Yes.</p> <p>16 Q. It says:</p> <p>17 "The report lists controlled drug orders</p> <p>18 that may be of unusual size for a store in its</p> <p>19 category, of unusual frequency for a store in its</p> <p>20 category, or deviating from a normal pattern for a</p> <p>21 store in its category."</p> <p>22 Do you see that?</p> <p>23 A. Yep.</p> <p>24 Q. It then goes on to say:</p>	<p style="text-align: right;">Page 77</p> <p>1 BY MR. GADDY:</p> <p>2 Q. Do you see the Walgreens policy -- the</p> <p>3 Walgreens logo at the top of this document?</p> <p>4 A. Um-hum, yes.</p> <p>5 Q. And the subject here is: "Rx Questionable</p> <p>6 Order Quantity."</p> <p>7 Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. And the original date of this policy is</p> <p>10 12/11/2006.</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. And it looks like this is the original</p> <p>14 policy as there is no revision date.</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And this policy was written by</p> <p>18 Shelley Crisel?</p> <p>19 A. That's what it says.</p> <p>20 Q. Do you know who that is?</p> <p>21 A. No.</p> <p>22 Q. Okay.</p> <p>23 A. Someone at Mt. Vernon, I would assume. It</p> <p>24 was written at Mt. Vernon.</p>

<p style="text-align: right;">Page 78</p> <p>1 Q. Okay. That's another distribution center?</p> <p>2 A. Yes, um-hum.</p> <p>3 Q. And it says the Purpose of this policy is:</p> <p>4 "To establish procedures for verifying</p> <p>5 questionable store order quantities on Rx items."</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. And it says under the Scope:</p> <p>9 "This procedure covers the steps in</p> <p>10 verifying questionable store order quantities prior to</p> <p>11 order processing on Rx items."</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. And that's what you told us a little bit</p> <p>15 about that you would look for -- for orders that would</p> <p>16 maybe -- maybe jump off the page as far as their size</p> <p>17 and you would want to do some follow-up on those,</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Under Procedure under Section A, it</p> <p>21 says:</p> <p>22 "The responsibilities of the computer room</p> <p>23 personnel and SAIL team," it says, "Prior to Order</p> <p>24 Processing."</p>	<p style="text-align: right;">Page 80</p> <p>1 THE WITNESS: Oh, sorry.</p> <p>2 BY MR. GADDY:</p> <p>3 Q. That would be what we'd call like</p> <p>4 front-of-store items?</p> <p>5 A. Yes.</p> <p>6 Q. Like paper towels, toilet paper, that type</p> <p>7 of stuff?</p> <p>8 A. Yes.</p> <p>9 Q. Was 24 the number of -- let me -- let me</p> <p>10 make sure that we are clear on that.</p> <p>11 So when -- when we say one SKU, if we are</p> <p>12 talking about a 100-count bottle of OxyContin, so a</p> <p>13 bottle with a hundred pills in it, that would be one</p> <p>14 SKU?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. What was the number of SKUs or</p> <p>17 units that it would require to flag for you to do any</p> <p>18 type of follow-up phone call to the pharmacy?</p> <p>19 MS. SWIFT: Object to the form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. There wasn't really a number. It would</p> <p>22 be -- generally any number in the triple would be a</p> <p>23 definite flag, anything over a hundred would be a</p> <p>24 definite flag, so.</p>
<p style="text-align: right;">Page 79</p> <p>1 And in the first under No. 1 there, it</p> <p>2 says:</p> <p>3 "Once the transmissions have been received</p> <p>4 from the stores to its fullest, you run a query for</p> <p>5 the" -- "for the cycle date and then it says: "Any Rx</p> <p>6 order greater than 24 SKUs."</p> <p>7 Do you see that?</p> <p>8 A. Um-hum.</p> <p>9 Q. SKUs means a unit?</p> <p>10 A. Pieces, um-hum.</p> <p>11 Q. Okay. So one bottle of pills would be one</p> <p>12 SKU?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. It says:</p> <p>15 "Any Rx order greater than 24 SKUs," or</p> <p>16 24 units, "of one item should print on a query in</p> <p>17 store numerical order along with SS items."</p> <p>18 Do you see that?</p> <p>19 A. Um-hum, yes.</p> <p>20 Q. What's SS items?</p> <p>21 A. Self serve.</p> <p>22 Q. Okay. And that would be like which --</p> <p>23 A. Non-Rx items.</p> <p>24 MS. SWIFT: Let him finish his question.</p>	<p style="text-align: right;">Page 81</p> <p>1 BY MR. GADDY:</p> <p>2 Q. Okay. Is a hundred the number or was</p> <p>3 there not a number or --</p> <p>4 A. There was not a number in particular. It</p> <p>5 was any number -- any order that looked funny or</p> <p>6 didn't look right. There was no number that I used.</p> <p>7 The computer room did, apparently, but I didn't.</p> <p>8 Q. Okay. Now, when -- who would you get this</p> <p>9 report from?</p> <p>10 A. What report?</p> <p>11 MS. SWIFT: Objection to form.</p> <p>12 THE WITNESS: Sorry.</p> <p>13 BY MR. GADDY:</p> <p>14 Q. This report that would show you the</p> <p>15 quantities of -- of orders for you to look out and see</p> <p>16 if anything jumped off the page at you?</p> <p>17 MS. SWIFT: Object to the form.</p> <p>18 BY THE WITNESS:</p> <p>19 A. There was no report that I got that</p> <p>20 would -- that was just from the pickers is actually</p> <p>21 who would find that if -- if they got an order for a</p> <p>22 hundred of something, they would go, This isn't right,</p> <p>23 and they would bring it to me and I would call the</p> <p>24 store. It wasn't a piece of paper form.</p>

**REDACTED**

1 BY MR. GADDY:

2 Q. Prior to the orders for C-IIIs going to the  
3 pickers for them to start -- and let me back up a  
4 little bit, because I used the term "pickers." I  
5 think I know what that means, but let me make sure  
6 it's clear.

7 Tell me in your words what a picker is?

8 A. A picker is the team member who actually  
9 takes the product out of the vault and puts it in a  
10 container that's going to go get audited and then  
11 boxed and shipped to the store.

12 Q. Okay. And so these are people that are --  
13 that are taking the pill bottles off the shelf,  
14 putting them in the bag and they end up getting on the  
15 truck?

16 A. Right.

17 Q. Okay. Prior to an order going to the  
18 picker first for Schedule II drugs, is this -- this  
19 review that you've told us about a couple of times  
20 where you are looking for numbers that I think your  
21 words were don't look right, triple digit orders,  
22 anything that jumps off the page at you, is that  
23 review done before the orders go to the pickers?

24 MS. SWIFT: Object to the form.

**REDACTED**

**REDACTED**



**REDACTED**





**REDACTED**



REDACTED

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1 A. Uh-huh.

2 Q. -- that's something that takes how long?

3 MS. SWIFT: Object to the form.

4 BY THE WITNESS:

5 A. It depends. If the pharmacy manager is  
6 available and answers the phone, it doesn't take very  
7 long. If you have to wait for them to call you back,  
8 it could take longer.

9 BY MR. GADDY:

10 Q. It -- it is generally the same day?

11 A. Oh, yeah, um-hum.

12 Q. Okay. Are there ever occasions under this  
13 policy where you are holding orders for -- for days or  
14 weeks at a time before you fill them?

15 A. No.

16 Q. Okay. Are there ever occasions during  
17 your time at C-II -- as the C-II function manager  
18 where you are ever holding any orders for days or  
19 weeks at a time for -- for any reason related to  
20 investigating the order?

21 A. Not related to investigating the order.

22 Q. Okay. What would be a reason that you  
23 would hold an order for days or weeks at a time?

24 A. Occasionally a new store would open late,

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1 so we'd be told we had to hold the order till they  
2 were ready to receive it.

3 Q. Okay. Any other reasons that you can  
4 think of?

5 A. Not that I can think of.

6 Q. Okay. And when you say "a new store would  
7 open late," that would be a situation where a store is  
8 supposed to open on January 1st and it turns out they  
9 don't open until February 1st and so all of the orders  
10 that were ready to go out the door need to sit -- need  
11 to sit in the -- the warehouse for an extra month?

12 A. In the vault, um-hum.

13 Q. Okay. And I'm sorry. You've got to say  
14 yes or no.

15 A. Yes.

16 Q. Okay. So, as far as this process that  
17 we've been talking about a little bit, it sounds like,  
18 and tell me if I'm wrong, but it sounds like either  
19 the computer room or the pickers, anybody that would  
20 have identified these orders that -- that needed a  
21 call to the -- a call to the store, that would have  
22 gone to you as the C-II function manager?

23 MS. SWIFT: Object to the form.

24 BY THE WITNESS:

26 (Pages 98 to 101)

<p style="text-align: right;">Page 102</p> <p>1 A. Yes.</p> <p>2 BY MR. GADDY:</p> <p>3 Q. Okay. Anybody other than you that would</p> <p>4 have been in charge of handling that issue?</p> <p>5 MS. SWIFT: Object to the form.</p> <p>6 BY THE WITNESS:</p> <p>7 A. Well, my lead if I wasn't there. I mean,</p> <p>8 I had someone that filled in when I was sick or on</p> <p>9 vacation.</p> <p>10 BY MR. GADDY:</p> <p>11 Q. Sure, sure.</p> <p>12 But if you weren't -- if you were there</p> <p>13 and you were working like normal course of business --</p> <p>14 A. Uh-huh.</p> <p>15 Q. -- the buck stopped with you as far as</p> <p>16 following up on any of these orders that the computer</p> <p>17 room or the pickers flagged?</p> <p>18 MS. SWIFT: Objection to form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. I would say yes.</p> <p>21 BY MR. GADDY:</p> <p>22 Q. And one of the things that -- that you --</p> <p>23 that I think you said you did was first that you</p> <p>24 would -- your first question to the store would be,</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. Okay. What I'm interested in is what</p> <p>2 information or data you would have had to review --</p> <p>3 A. Uh-huh.</p> <p>4 Q. -- to help you answer the question of why</p> <p>5 do you need it? And it sounds like one piece of</p> <p>6 information or data would have been what was provided</p> <p>7 verbally by the store?</p> <p>8 A. By the pharmacy manager.</p> <p>9 Q. Okay. Any other information or data that</p> <p>10 you had at your disposal to consider why a particular</p> <p>11 store might have needed a high quantity of C-IIs?</p> <p>12 A. The only other source would have been</p> <p>13 Barb Martin, who I also would call on occasion.</p> <p>14 Q. Okay. At --</p> <p>15 A. At corporate, not at the DC.</p> <p>16 Q. Correct, correct. She didn't work in the</p> <p>17 distribution center?</p> <p>18 A. Uhn-uhn.</p> <p>19 Q. Okay. And -- okay. And you've told us</p> <p>20 that you recall calling her about this one particular</p> <p>21 order --</p> <p>22 A. Uh-huh.</p> <p>23 Q. -- and that she -- presumably you passed</p> <p>24 on the information to her that you had received from</p>
<p style="text-align: right;">Page 103</p> <p>1 Did you really mean to order this amount.</p> <p>2 And it sounds like, and tell me if I'm</p> <p>3 wrong, but it sounds like every time but one the</p> <p>4 answer was, Whoops, no, I didn't, reduce the order, is</p> <p>5 that accurate?</p> <p>6 MS. SWIFT: Object to the form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. That's to my recollection. It could be</p> <p>9 more, but that's all I can remember is one that I</p> <p>10 actually...</p> <p>11 BY MR. GADDY:</p> <p>12 Q. One time where you said, Hey, did you</p> <p>13 really mean to order this number and every time but</p> <p>14 one they told you it was a mistake?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And you said from there -- I think</p> <p>17 you said the other thing that you would do is</p> <p>18 determine whether or not they really need that amount,</p> <p>19 correct?</p> <p>20 A. Right, I would ask them why they needed it</p> <p>21 and, actually, the case that I recall, and that's</p> <p>22 probably why I remember it, is she said she had a</p> <p>23 patient that had 48 hours to live and she needed it</p> <p>24 for that patient.</p>	<p style="text-align: right;">Page 105</p> <p>1 the store?</p> <p>2 A. Right.</p> <p>3 Q. And she told you to fill the order?</p> <p>4 A. Right.</p> <p>5 Q. So would it be fair to say that the only</p> <p>6 information you had that you had access to was</p> <p>7 whatever was provided to you by the store, and that to</p> <p>8 get other information, whether it's historical data</p> <p>9 or -- or patterns or whatnot, you would have to go</p> <p>10 through corporate via Barb Martin, is that fair?</p> <p>11 A. That's fair, yes.</p> <p>12 Q. Okay. And you think -- and you think you</p> <p>13 did that on -- on that one occasion?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 Okay. So let's look at Paragraph C. I</p> <p>17 guess it is III.C of this 2010 policy.</p> <p>18 Are you with me?</p> <p>19 A. Yes.</p> <p>20 Q. It says: "Responsibilities of Walgreens</p> <p>21 company."</p> <p>22 And No. 1 says: "Suspicious store orders</p> <p>23 and inquiries are handled through the corporate office</p> <p>24 internal audit department."</p>

<p style="text-align: right;">Page 106</p> <p>1 Do you see that?</p> <p>2 A. Yeah, I see that.</p> <p>3 Q. What is the corporate office internal</p> <p>4 audit department?</p> <p>5 A. It's a department where they do internal</p> <p>6 audits, but I couldn't tell you exactly what they do.</p> <p>7 Q. Okay.</p> <p>8 A. I don't know.</p> <p>9 Q. What do they do internal audits of?</p> <p>10 MS. SWIFT: Objection; foundation.</p> <p>11 BY THE WITNESS:</p> <p>12 A. I couldn't tell you. I don't know.</p> <p>13 BY MR. GADDY:</p> <p>14 Q. How -- can you tell me any members of the</p> <p>15 internal audit department?</p> <p>16 A. Yarbrough is a familiar name, but I don't</p> <p>17 really know if he was with internal audit.</p> <p>18 Q. You said Yarbrough?</p> <p>19 A. Yeah.</p> <p>20 Q. But you don't know if he was with internal</p> <p>21 audit or not?</p> <p>22 A. Not for sure, uhn-uhn.</p> <p>23 Q. Okay. Anybody else?</p> <p>24 A. I don't recall any other names, uh-uh.</p>	<p style="text-align: right;">Page 108</p> <p>1 meetings or training seminars where results of</p> <p>2 internal audits of Perrysburg were -- were discussed?</p> <p>3 A. No, I don't remember any of those.</p> <p>4 Q. Okay. Did you know that -- that</p> <p>5 suspicious orders and inquiries were -- were handled</p> <p>6 through the internal audit department?</p> <p>7 MS. SWIFT: Object to the form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. No.</p> <p>10 BY MR. GADDY:</p> <p>11 Q. Do you ever recall being instructed or</p> <p>12 requested by anybody with internal audit to -- to edit</p> <p>13 or halt an order for C-IIs?</p> <p>14 A. No.</p> <p>15 Q. Do you ever be -- requested or advised by</p> <p>16 anybody at Walgreens anywhere to -- to halt or edit a</p> <p>17 C-II -- a C-II order?</p> <p>18 MS. SWIFT: Object to the form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. Just the case I already gave you if -- was</p> <p>21 if a store was going to open late, we were supposed to</p> <p>22 hold it, yeah.</p> <p>23 BY MR. GADDY:</p> <p>24 Q. Okay. It goes on to say:</p>
<p style="text-align: right;">Page 107</p> <p>1 Q. Okay. Do you ever recall anybody else</p> <p>2 from internal audit ever coming to the distribution</p> <p>3 center in Perrysburg?</p> <p>4 A. If they did, they didn't tell me they were</p> <p>5 with internal audit. I don't...</p> <p>6 Q. Do you ever recall being asked to pull any</p> <p>7 information for internal audit?</p> <p>8 A. No.</p> <p>9 Q. Ever being asked to pull any -- any data</p> <p>10 or reports for the internal -- internal audit</p> <p>11 committee or internal audit department?</p> <p>12 MS. SWIFT: Object to the form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. No.</p> <p>15 BY MR. GADDY:</p> <p>16 Q. Do you know how many people make up the</p> <p>17 internal audit department?</p> <p>18 A. No.</p> <p>19 Q. Do you know whether or not the internal</p> <p>20 audit department has ever issued any reports or</p> <p>21 findings related to the Perrysburg distribution center</p> <p>22 and its compliance with DEA regulations?</p> <p>23 A. No, I don't.</p> <p>24 Q. Do you ever recall being a part of any</p>	<p style="text-align: right;">Page 109</p> <p>1 "Suspicious orders are then reported by</p> <p>2 corporate to the FDA and/or DEA for controlled</p> <p>3 substances within three days."</p> <p>4 Do you see that?</p> <p>5 A. I see that.</p> <p>6 Q. Do you know whether or not that ever</p> <p>7 happened?</p> <p>8 A. No, I don't know.</p> <p>9 Q. Did you have any visibility into that</p> <p>10 process whatsoever?</p> <p>11 A. No.</p> <p>12 Q. Have you ever had any interaction with</p> <p>13 anybody at Walgreens regarding suspicious order</p> <p>14 monitoring?</p> <p>15 MS. SWIFT: Object to the form, vague.</p> <p>16 BY THE WITNESS:</p> <p>17 A. Other than conversations with Ann Anaya</p> <p>18 where I knew there was a program regarding, you know,</p> <p>19 suspicious orders, no.</p> <p>20 BY MR. GADDY:</p> <p>21 Q. Okay. If you go to the next page, there</p> <p>22 is actually a Roman numeral IV which is also new to</p> <p>23 the 2010 version.</p> <p>24 Do you see that?</p>

<p style="text-align: right;">Page 110</p> <p>1 A. Um-hum.</p> <p>2 Q. And it talks about training?</p> <p>3 A. Yes.</p> <p>4 Q. And it says in No. 1, it says:</p> <p>5 "The SAIL function manager will be</p> <p>6 responsible for the training and enforcement of all</p> <p>7 the procedures."</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Are -- are you aware of -- of any training</p> <p>11 ever being provided on this policy to any of the team</p> <p>12 members at Perrysburg?</p> <p>13 A. I'm not aware of this written policy being</p> <p>14 given to anyone, the team members, if that's -- that's</p> <p>15 what you are asking me.</p> <p>16 Q. Okay. Do you recall any -- there being</p> <p>17 any training or guidance given to, whether it's --</p> <p>18 it's the folks in the computer room or the pickers on</p> <p>19 what they are supposed to be looking for as far as</p> <p>20 contacting you about these questionable orders that --</p> <p>21 that you might need to check for accuracy?</p> <p>22 A. Well, they just -- they just knew that if</p> <p>23 it was -- they knew what was high because they picked</p> <p>24 every day and they picked all stores every week, so</p>	<p style="text-align: right;">Page 112</p> <p>1 A. No, that's not what I'm telling you.</p> <p>2 Q. Okay. You are just saying as a whole</p> <p>3 chain wide they're -- they're aware of what comes in?</p> <p>4 A. They -- they are aware of what was</p> <p>5 unusually large.</p> <p>6 Q. On a chain-wide basis?</p> <p>7 A. On a chain-wide basis, yes.</p> <p>8 Q. You -- do you see any -- any potential</p> <p>9 problems or issues with using a chain-wide basis to</p> <p>10 evaluate size of -- sizes of orders?</p> <p>11 MS. SWIFT: Object to the form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. Well, I mean, every store would be</p> <p>14 different based on where it's at. Some were in</p> <p>15 hospitals, some were in corporate offices, so...</p> <p>16 BY MR. GADDY:</p> <p>17 Q. And -- and you would agree with me, it</p> <p>18 would be fair to say that a -- that a store at a</p> <p>19 hospital is probably going to need more C-IIs than a</p> <p>20 store in Perrysburg, Ohio?</p> <p>21 A. Possibly, that would make sense.</p> <p>22 Q. And -- and you agree with me that it would</p> <p>23 be possible that there could be an unusually large</p> <p>24 number of bottles for Perrysburg, but that might be a</p>
<p style="text-align: right;">Page 111</p> <p>1 they knew if something was unusually high. There</p> <p>2 wasn't really training given to them to identify that.</p> <p>3 Q. Did you -- I mean, they're -- you are --</p> <p>4 this is talking about over 5,000 stores, right?</p> <p>5 A. Um-hum.</p> <p>6 Q. Would -- would it be safe to say that you,</p> <p>7 when you see a store number, do you know what store</p> <p>8 that is?</p> <p>9 A. No.</p> <p>10 Q. Okay. So if you see, I want to say the</p> <p>11 store numbers were five digits?</p> <p>12 A. Correct.</p> <p>13 Q. So -- so if you saw Store 12345, that</p> <p>14 doesn't -- you don't know that -- that, Oh, we're</p> <p>15 talk -- that's the store in Perrysburg, Ohio, you</p> <p>16 don't particularly know where that store is or what</p> <p>17 population it serves or -- or what its typical</p> <p>18 business is or anything like that, is that correct?</p> <p>19 A. That's correct.</p> <p>20 Q. Okay. So when you say the pickers do this</p> <p>21 every day and they know what they are seeing, you are</p> <p>22 not telling me that -- that they know exactly how many</p> <p>23 bottles Store 12345 typically gets on an average</p> <p>24 order, are you?</p>	<p style="text-align: right;">Page 113</p> <p>1 normal order of bottles for a hospital, is that fair?</p> <p>2 A. That would be fair, um-hum.</p> <p>3 Q. Okay. But you didn't have a daily</p> <p>4 practice of calling all of the Walgreens stores and</p> <p>5 hospitals, did you?</p> <p>6 A. No.</p> <p>7 Q. Okay. So these or -- these orders that</p> <p>8 were going to hospitals, those weren't popping on a</p> <p>9 daily basis for you to follow up on, were they?</p> <p>10 MS. SWIFT: Objection; foundation.</p> <p>11 BY THE WITNESS:</p> <p>12 A. No.</p> <p>13 BY MR. GADDY:</p> <p>14 Q. Okay. So what you would see is normal</p> <p>15 orders for stores in a hospital setting were not high</p> <p>16 enough to flag for you to do any follow-up calls or</p> <p>17 investigation on, is that correct?</p> <p>18 MS. SWIFT: Objection; foundation.</p> <p>19 BY THE WITNESS:</p> <p>20 A. That would be correct, because what</p> <p>21 flagged them was, like, triple -- 300 of something.</p> <p>22 Not even in a hospital do you need 300 of something.</p> <p>23 I mean, that's what would flag them right away that</p> <p>24 something was wrong.</p>

<p style="text-align: right;">Page 114</p> <p>1 BY MR. GADDY:</p> <p>2 Q. It had to be something crazy for it to</p> <p>3 flag on this report for you to do a follow-up?</p> <p>4 A. Well, it had to be something large. I</p> <p>5 don't know if I would say crazy, but yeah.</p> <p>6 Q. Outside of being told by Anaya at some</p> <p>7 point in time for -- that -- that it -- excuse me --</p> <p>8 being told by Anaya at some point in time that at some</p> <p>9 other point in time there was some type of system in</p> <p>10 place --</p> <p>11 A. Uh-huh.</p> <p>12 Q. -- did you ever have any interaction with</p> <p>13 anybody at Walgreens regarding suspicious orders?</p> <p>14 MS. SWIFT: Object to the form and foundation.</p> <p>15 BY THE WITNESS:</p> <p>16 A. Just the computer room supervisor,</p> <p>17 Matt Nye, the one we talked about earlier.</p> <p>18 BY MR. GADDY:</p> <p>19 Q. Okay.</p> <p>20 And what, if anything, would Matt tell you</p> <p>21 about -- and -- and -- and I'm not talking about the</p> <p>22 questionable orders, the -- not -- not about these</p> <p>23 policies and this procedure here.</p> <p>24 A. Okay.</p>	<p style="text-align: right;">Page 116</p> <p>1 A. Okay.</p> <p>2 Q. I'm talking about what -- well, let me ask</p> <p>3 you this: Did Matt refer to those as suspicious</p> <p>4 orders?</p> <p>5 A. I don't recall --</p> <p>6 Q. Okay.</p> <p>7 A. -- his verbiage, no.</p> <p>8 Q. I'm ask -- what I'm trying to ask about,</p> <p>9 and -- and -- and I'm just going to be sus -- specific</p> <p>10 to the phrase "suspicious orders."</p> <p>11 A. Okay.</p> <p>12 Q. Because that's what's used here in this</p> <p>13 policy as it relates to internal audit and that's what</p> <p>14 I think you told me was on that report that the</p> <p>15 C-II -- that -- that Lori --</p> <p>16 A. Right.</p> <p>17 Q. -- who was the C-II SAIL coordinator,</p> <p>18 would get, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Or -- or -- or Brook was the other one,</p> <p>21 right?</p> <p>22 A. Um-hum.</p> <p>23 Q. Did you ever have any conversations or</p> <p>24 interactions with anybody at Walgreens, other than</p>
<p style="text-align: right;">Page 115</p> <p>1 Q. But I'm asking specifically about the --</p> <p>2 the suspicious order report that you said would come</p> <p>3 into the C-II SAIL --</p> <p>4 A. Uh-huh.</p> <p>5 Q. -- or -- or the suspicious orders that's</p> <p>6 handled by internal audit.</p> <p>7 Did you have -- did you have any</p> <p>8 conversations with Matt Nye about that suspicious</p> <p>9 order report or -- or specifically the -- what</p> <p>10 Walgreens referred to as suspicious orders?</p> <p>11 MS. SWIFT: Object to the form of the question.</p> <p>12 BY THE WITNESS:</p> <p>13 A. Suspicious orders would be the query he</p> <p>14 ran, I -- that's how I understood it, and then I -- he</p> <p>15 would talk to me about those. If he couldn't get</p> <p>16 ahold of the store, he would tell me.</p> <p>17 Is that what -- the query you are talking</p> <p>18 about? No.</p> <p>19 BY MR. GADDY:</p> <p>20 Q. What you are talking about is what we've</p> <p>21 been talking about for the last hour or so?</p> <p>22 A. Um-hum.</p> <p>23 Q. Okay. So no. I'm talking about something</p> <p>24 different than that.</p>	<p style="text-align: right;">Page 117</p> <p>1 this Anaya conversation you told us about, regarding</p> <p>2 suspicious order reports or suspicious orders, and --</p> <p>3 and I'm confining it to that -- to that specific term?</p> <p>4 MS. SWIFT: Object to the form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. Not that I recall.</p> <p>7 BY MR. GADDY:</p> <p>8 Q. Okay. Do you know -- do you know a Mark</p> <p>9 Betteridge?</p> <p>10 A. Yes.</p> <p>11 Q. Who is Mark and what did he do?</p> <p>12 A. He is another function manager at the DC.</p> <p>13 Q. Okay. What is his purview -- what's under</p> <p>14 his purview?</p> <p>15 A. Right now he is in NAKL mod, one of our</p> <p>16 pick mods.</p> <p>17 Q. Okay. Has he ever had any</p> <p>18 responsibilities whatsoever for controlled substances?</p> <p>19 A. I didn't really follow C-III through V and</p> <p>20 their activity when I was in receiving as a manager,</p> <p>21 so I couldn't really answer that. He may have during</p> <p>22 that frame. I don't know.</p> <p>23 Q. He never had any responsibilities over</p> <p>24 C-IIs?</p>



<p style="text-align: right;">Page 118</p> <p>1 A. No.</p> <p>2 Q. Okay. What about, do you know a person</p> <p>3 named James Gill?</p> <p>4 A. Yes.</p> <p>5 Q. And how do you know Mr. Gill?</p> <p>6 A. He is also another manager on night shift.</p> <p>7 Q. Okay. Has Mr. Gill ever had any</p> <p>8 responsibilities for C-IIIs?</p> <p>9 A. No.</p> <p>10 Q. Okay. Do you know whether or not he had</p> <p>11 any responsibilities over C-III through Vs?</p> <p>12 A. He may have. I don't really remember. I</p> <p>13 don't remember.</p> <p>14 Q. Okay. I'm going to show you what I'll</p> <p>15 mark as Exhibit No. 9, and this is going to be what I</p> <p>16 believe is the final version of that same policy.</p> <p>17 (WHEREUPON, a certain document was</p> <p>18 marked Walgreens - Bish Deposition</p> <p>19 Exhibit No. 9, for identification, as</p> <p>20 of 02/01/2019.)</p> <p>21 BY MR. GADDY:</p> <p>22 Q. Do you see we are looking at the top of</p> <p>23 the page another Walgreens document and it looks like</p> <p>24 the subject has changed now. It now says:</p>	<p style="text-align: right;">Page 120</p> <p>1 today?</p> <p>2 Q. It was -- you can pull it out and look at</p> <p>3 it if you want to.</p> <p>4 A. Okay.</p> <p>5 Q. I think it's No. 1.</p> <p>6 A. So No. 1 was about us taking over</p> <p>7 Jupiter's -- possibly taking over Ju -- Jupiter's</p> <p>8 orders.</p> <p>9 Q. Okay. And does it reference the, I think</p> <p>10 the first sentence says: You probably heard what's</p> <p>11 going on with the DEA?</p> <p>12 A. "You know what's happening in Jupiter with</p> <p>13 the DEA" it says, yes.</p> <p>14 Q. Okay. And that's an April 2012 e-mail?</p> <p>15 A. Yes.</p> <p>16 Are we done with that one?</p> <p>17 Q. Yes, ma'am. I was just trying to put it</p> <p>18 in -- in kind of a time context.</p> <p>19 So this policy you see is October 2013,</p> <p>20 correct?</p> <p>21 A. Correct.</p> <p>22 Q. So this is going to be post-DEA issues in</p> <p>23 Jupiter, right?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 119</p> <p>1 "Authentication of Prescription Order Policy"?</p> <p>2 A. Right.</p> <p>3 Q. But if you look at the origination date,</p> <p>4 it is the same, the 12/11/06?</p> <p>5 A. Yes.</p> <p>6 Q. And you can look at it, you can scan it if</p> <p>7 you want, but it looks like Roman numerals I, II and</p> <p>8 III are identical to the one -- or excuse me -- at</p> <p>9 least I, II, and III.A and B are going to be</p> <p>10 identical.</p> <p>11 A. That's what it looks like.</p> <p>12 Q. Okay. And it looks like -- and we are</p> <p>13 going to talk about some of the changes, but first you</p> <p>14 see up -- up at the top, this is the October 2013</p> <p>15 policy, or -- or I should say version of policy,</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. And so this would be after --</p> <p>19 excuse me -- one of the -- some of the -- one of the</p> <p>20 first documents we looked at were some of those, I</p> <p>21 think it was an April 2012 e-mail where they were</p> <p>22 discussing the DEA concerns in Jupiter.</p> <p>23 Do you recall that?</p> <p>24 A. Is it something we talked about earlier</p>	<p style="text-align: right;">Page 121</p> <p>1 Q. Okay.</p> <p>2 A. It's post the other, yeah.</p> <p>3 Q. And it says here in Paragraph C, under</p> <p>4 Responsibilities of Walgreens, and -- and this is --</p> <p>5 this paragraph -- this -- what's written here is</p> <p>6 different than what we saw in the last one, right?</p> <p>7 A. Right.</p> <p>8 Q. The last one said that suspicious order</p> <p>9 monitoring was under the purview of the internal audit</p> <p>10 committee or internal audit department?</p> <p>11 A. Yes, um-hum.</p> <p>12 Q. This one says: "The Walgreens strategic</p> <p>13 inventory management system."</p> <p>14 And you're familiar with SIMS?</p> <p>15 A. Yes.</p> <p>16 Q. And that's your online ordering system?</p> <p>17 A. Operating system, uh-huh.</p> <p>18 Q. Okay. It says:</p> <p>19 "So the Walgreens SIMS will stop what</p> <p>20 would be considered suspicious controlled drug orders</p> <p>21 from being released for picking at the DC based on the</p> <p>22 algorithm that looks at past sales and order</p> <p>23 frequency."</p> <p>24 Do you see that?</p>

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1 A. Yes.

2 Q. And does that sound familiar to what Anaya

3 told you when you asked her about that?

4 A. Yes.

5 Q. Okay. And that would be what we see in

6 this October of 2013 policy, correct?

7 A. Correct.

8 Q. Okay. So, let me ask you this: Were you

9 aware that orders were being either cut or -- or

10 blocked from coming into the distribution center for

11 C-IIs?

12 MS. SWIFT: Object to the form.

13 BY THE WITNESS:

14 A. Do you mean prior to '13 or after? When?

15 At any time?

16 BY MR. GADDY:

17 Q. At any time.

18 A. Well, the program would have, this program

19 that we just read about, my understanding was that

20 would not allow orders to come in that were above what

21 was reasonable for their location and history and

22 whatever.

23 Q. Okay. And you had that understanding at

24 the time or you have that understanding from looking

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1 at this document?

2 A. Oh, I had that understanding at the time.

3 Q. Okay. How, if at all, did that impact

4 what you did in the distribution center?

5 MS. SWIFT: Object to the form.

6 BY THE WITNESS:

7 A. In regards to what, how we handled large

8 orders or how...?

9 BY MR. GADDY:

10 Q. To any part, any portion of your job?

11 MS. SWIFT: Object to the form.

12 BY THE WITNESS:

13 A. So how did that change our -- it -- it

14 didn't change anything we did. We still called stores

15 if we got something that was too high.

16 BY MR. GADDY:

17 Q. Okay. I didn't think it did. I just

18 wanted to make sure.

19 A. Yeah.

20 Q. But -- okay. So nothing changed from your

21 perspective once -- once SIMS started reducing or

22 cutting orders?

23 MS. SWIFT: Object to the form.

24 BY MR. GADDY:

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1 Q. Correct?

2 A. Not that I noticed.

3 Q. Okay.

4 A. Not that I was aware of.

5 Q. You still -- I'm sorry.

6 A. Not that I was aware of.

7 Q. You still had orders come in every day and

8 you still processed those orders every day?

9 A. Correct.

10 Q. You still ran this, had the computer room

11 and the pickers be looking out for potential orders

12 that were entered in error?

13 A. Correct.

14 Q. You continued to place phone calls to

15 stores if you saw something very large that you

16 thought might be inaccurate?

17 A. Correct.

18 Q. Okay. If you look at the very bottom

19 right-hand corner, do you see there is some Bates

20 numbering down there?

21 A. The WAGMD?

22 Q. Yes, ma'am.

23 A. Uh-huh.

24 Q. If you'd turn for me, please, to the

**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



**REDACTED**



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